S.B.Cr.Misc. Bail App. No.5135/2007
(Mohan Lal Vs. State)

Date of order : 11th October, 2007.

HON'BLE MR.H.R.PANWAR, J.

Mr. Deepak Menaria for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and also the statement of the prosecutrix recorded under Section 164 Cr.P.C. There is no allegation of rape against the present petitioner. However, his presence has been shown but on asking by Sita Ram to the petitioner to go, on which he went away. Allegation of rape is against co-accused Sita Ram and against Jagdish that he caught hold the legs of the prosecutrix while Sita Ram committing rape.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties and the fact that there is no allegation of rape against the petitioner, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Mohan Lal s/o

Bhabhuja Gameti be released on bail in FIR No.113/2007 P.S. Gowardhan Vilas, District Udaipur, provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

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